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CONTEMPORARY FORMS OF SLAVERY

Systematic rape, sexual slavery and slavery-like practices during armed conflicts

Report of the High Commissioner for Human Rights

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Introduction

1. At its fifty-first session, as in previous years, the Sub-Commission on the Promotion and Protection of Human Rights adopted a resolution entitled "Systematic rape, sexual slavery and slavery-like practices".

2. In its resolution 1999/16, the Sub-Commission called upon the High Commission for Human Rights to submit a report at the fifty-second session of the Sub-Commission on the issue of systematic rape, sexual slavery and slavery-like practices in situations of ongoing conflict, including information on the status of the recommendations made by the Special Rapporteur of the Sub-Commission. The Special Rapporteur was also requested to submit an updated report to the fifty-second session.

3. The present report of the High Commissioner is submitted in accordance with that request. It is based on the recent activities of treaty monitoring bodies, special rapporteurs and the Commission on Human Rights and provides information on specific conflict situations available through those sources.

4. During past, recent and ongoing conflicts, sexual violence has been used as a weapon of war; a method of threatening populations. Conflicts, both internal and international, are increasingly affecting civil populations and systematic rape is often being used to humiliate civilians and military, to destroy the society and ruin all possibilities of a peaceful resolution of the conflict. The first victims of these crimes are women and girls.

5. In her statement to the Security Council at the presentation of the report of the Secretary-General on the protection of civilians in armed conflict (New York, 16 September 1999), the High Commissioner stated that "civilians are no longer just victims of war - today they are regarded as instruments of war. Starving, terrorizing, murdering, raping civilians - all are seen as legitimate. Sex is no defence nor is age; indeed, it is women, children and the elderly who are often at greatest risk. That is a strange, terrible state of affairs in the year after we commemorated the fiftieth anniversary of the Universal Declaration of Human Rights".

6. In her statement "Genocide, war crimes, crimes against humanity", delivered at Fordham University (New York) on 4 November 1999, the High Commissioner welcomed the major advance made with the adoption of the Statute of the International Criminal Court on 17 July 1998, a step which should lay the foundations of a global system of international criminal law. The Statute reflects recommendations made by the Office of the High Commissioner for Human Rights (OHCHR) to include special provisions on rape, sexual assault and gender-related crimes, and contains a mandatory requirement upon the Prosecutor to appoint advisers with legal expertise on sexual and gender violence and violence against children. The High Commissioner regularly encourages States to sign and ratify the Statute.

7. Gender-based violence is a consequence of the low status of women and girls in society. Women and girls are subordinated, devalued and discriminated against, to varying degrees, in all societies.

8. Armed conflicts exacerbate discrimination and violence directed at women and all recent internal and ethnic-based conflicts have illustrated this fact. Rape and other sexual violence against women and girls is used as a weapon of war. To end the cycle of violence, the equal rights of women to participate in the economic, social, political and cultural life of their societies must be promoted and protected. Without the full equality and participation of women, the empowerment of women, the rehabilitation of women's image, allowing women to develop confidence and respect for themselves and enabling them to realize their full potential and acknowledging the full value of the contribution they make to the well-being, security and progress of society, any measure taken to prevent the systematic rape of women during armed conflicts, in fact any form of gender-based violence, will fail.

9. The most recent conflicts have been the scene of brutal attacks against civil populations, especially women and children. All kinds of sexual violence, including assault, rape, abuse and torture of women and children, have been used in a more or less systematic manner to terrorize civilians and destroy the social structure, family structure and pride of the enemy. Because of its nature the consequences of sexual violence extend well beyond those of other forms of violence. The severe physical and psychological trauma to which victims are subject endanger not only personal recovery but post-conflict reconstruction of the whole society. It is essential that the international community carefully address this serious and systematic violation of the most basic human rights and consider measures aimed at preventing such practices and assisting the victims.

10. The international community should give serious consideration in particular to the recommendations of the Special Rapporteur of the Sub-Commission on systematic rape, sexual slavery and slavery-like practices during armed conflicts, whose updated report is before the Sub-Commission at its present session.

I. STEPS TAKEN BY HUMAN RIGHTS TREATY BODIES

Human Rights Committee

11. In March 2000, the Human Rights Committee adopted a comprehensive new general comment on gender equality (CCPR/C/21/Rev.1/Add.1), in which it stated that gender equality is an overarching principle that applies to the enjoyment of all rights, civil, political, economic, social and cultural. The right to gender equality is not merely a right to non-discrimination; affirmative action is required. In that regard, and bearing in mind that women are particularly vulnerable in times of internal or international armed conflicts, States must take special measures to protect women from rape, abduction or other forms of gender-based violence and should inform the Committee of those measures.

12. When considering the report of Algeria, the Human Rights Committee expressed its deep concern at the widespread massacre of men, women and children in a great number of villages and towns. The Committee expressed its concern that women had been the victims of not only killings, but also of abduction, rape and severe violence, and that no timely or preventive measures of protection had been taken by police or military officials in the vicinity where the incidents had occurred. The Committee also expressed concern at persistent allegations of collusion of members of the security forces in terrorist attacks (CCPR/C/79/Add.95).

13. In connection with its review of the report of the Democratic Republic of the Congo, the Committee expressed its grave concern at the rape of women and at the extensive and persistent perpetration of other forms of violence against them by armed men. The Government should give women victims the necessary support and provide for their rehabilitation and reintegration into society; it should also give them the necessary assistance and do everything possible to identify and prosecute the perpetrators of these crimes (CCPR/C/79/Add.118).

Committee on the Rights of the Child

14. In its concluding observations on the report of India, the Committee on the Rights of the Child noted the Indian Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children. However, in view of the scale of the problem, the Committee expressed its concern at the sexual abuse and exploitation of children, especially those belonging to the lower castes and from poor urban and rural areas, in the contexts of: religious and traditional culture; child domestic workers; children living and/or working on the streets; communal violence and ethnic conflict; abuse by the security forces in areas of conflict, such as Jammu and Kashmir and the north-eastern States; and trafficking and commercial exploitation, especially of girls from neighbouring countries, particularly Nepal. The Committee also expressed concern about the absence of adequate measures to combat this phenomenon and the lack of adequate rehabilitation measures.

15. In considering the report submitted by Sierra Leone, the Committee expressed its deep concern with regard to the many incidents of sexual exploitation and abuse of children, particularly in the context of the conscription or abduction of children by armed persons and in the context of attacks on civilian populations by armed persons, and particularly with regard to girls. The Committee was also concerned at reports of commercial sexual exploitation and of widespread sexual abuse of girls within the family, within internally displaced person camps and within communities. The Committee also urged Sierra Leone to include studies of incidents of sexual abuse in the context of the armed conflict among the issues to be discussed by the truth and reconciliation commission.

Committee on the Elimination of Discrimination against Women

16. The concluding observations of the Committee on the Elimination of Discrimination against Women on the report of Algeria reflected the concern of the Committee at the fact that a large number of women had been murdered, raped, abducted and subjected to serious physical abuse by terrorist groups in recent years. The Committee recommended to the Government that it take specific legislative and structural steps to shelter women from such attacks and provide women who are victims of violence with comfort, assistance, advice, guidance and information concerning legal redress. The Committee also recommended that education and awareness training on domestic and sexual violence be made available to police officers, judges, doctors and the mass media so as to make their intervention more effective (A/54/38).

17. With regard to the report of the Democratic Republic of the Congo, the Committee expressed its grave concern at the reports of women being raped, assaulted or tortured during the

war. It was also concerned at the situation of refugee and displaced women suffering from the consequences of war and at the psychological and mental trauma experienced by women and girls as a result of the forced conscription of children (CEDAW/C/2000/I/CRP.3/Add.6/Rev.1).

18. Regarding the report of India, the Committee was concerned that women were exposed to the risk of high levels of violence, rape, sexual harassment, humiliation and torture in areas where there were armed insurrections (CEDAW/C/2000/I/CRP.3/Add.4/Rev.1).

19. Mention should be made of one of the most traumatizing consequences of systematic rape and sexual violence: pregnancy, and the possibility of abortion for victims of rape. The question of abortion for girls and women who have been raped was recently discussed by the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women. The former, discussing the report of Chad, was informed that in a traditionalist society like Chad, legal authorization of abortions for girls who had been raped would encounter serious resistance, as terminations were authorized only on therapeutic grounds (CRC/C/SR.548). The representative of the Democratic Republic of the Congo, submitting its report to the Committee on Economic, Social and Cultural Rights, acknowledged that many women had been raped during the recent disturbances and that situation was made worse by the fact that abortion was prohibited save when the mother's health was endangered. In response to pressure from women's organizations, the Government was looking into the situation in other countries, for example Cameroon, where abortion was authorized in cases of rape (E/C.12/2000/SR.17).

II. STEPS TAKEN BY HUMAN RIGHTS MECHANISMS AND PROCEDURES

20. In examining the reports submitted by some of the special rapporteurs, both country and thematic, common concerns and conclusions emerge. It is notable that the most frequently mentioned violation is gender-based violence. Reports recount cases of women used as targets in various types of conflicts and in various types of violence; women are raped, sexually abused, beaten, tortured and killed. Rape is being used more and more as a tactic of war. Various special rapporteurs have mentioned the particular situation of women widowed by war. Widows are especially vulnerable with regard to their physical safety; the difficulties of replacing lost identity documents; their mobility; their rights to inherit and to have access to land and property; obstacles to their remarriage; being made to suffer consequences for the political views of their male relatives. Widows often lose their social status with the loss of their husbands and also have to take financial responsibility for the entire family. Most of the special rapporteurs also mention the issue of violence against women within the family.

21. This section gives an overview of the situations with respect to gender-based violence examined by special rapporteurs, as well as the Secretary-General and the High Commissioner. The Democratic Republic of the Congo, East Timor, the countries of the former Yugoslavia and Kosovo, Myanmar, Rwanda, Sierra Leone, Somalia and the Sudan are among the countries that have been the object of particular attention by the extra-conventional mechanisms because of ongoing or recent conflicts.

22. In his report to the General Assembly at its fifty-fourth session (A/54/361), the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo noted that

many reports confirmed that rape, even that of girls, still occurred in prisons and during military operations. Women seeking to leave the country were subjected to gruelling humiliation. With regard to the issue of rape of women as a means of warfare, the Special Rapporteur received reports of rapes of women in Kabamba, Katana, Lwege, Karinsimbi and Kalehe. There were also reports of women being raped by Ugandan soldiers in towns in Orientale province.

23. In his report on the situation of human rights in the Democratic Republic of the Congo to the Commission on Human Rights at its fifty-sixth session (E/CN.4/2000/30), the Secretary-General noted that according to various reports, in the Democratic Republic of the Congo a very large number of persons, for the most part young men suspected of sympathizing or having contacts with the Ninjas, were arbitrarily executed, women raped and houses and shops pillaged and destroyed by elements of the loyalist forces and their allies. Moreover, it was reported that the main human rights violations brought to the attention of NGOs were summary or extrajudicial executions; arbitrary arrest and detention; torture and rape; forced or involuntary disappearances; and violations of the freedoms of expression, opinion and assembly. The NGOs emphasized that most of these violations were allegedly committed for political and/or ethnic reasons.

24. From 4 to 10 November 1999, the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women, its causes and consequences, conducted a joint mission to East Timor. The visit was undertaken pursuant to Commission on Human Rights resolution S-4/1 of 27 September 1999.

25. In their joint report (A/54/660), the Special Rapporteur on violence against women observed that the bulk of the allegations of torture and ill-treatment encountered during the joint mission related to such treatment either as a prelude to murder or as taking the form of sexual violence.

26. A year earlier, the Special Rapporteur had visited Indonesia and East Timor. She observed at that time that women were particularly vulnerable to gender-specific human rights violations, including rape and sexual harassment. Rape often went unreported because of fear of retaliation. Before May 1998 rape had been used as an instrument of torture and intimidation by certain elements of the Indonesian army in East Timor. Relatives of political opponents were raped by the military as a form of revenge or to force the relatives of the victims out of hiding. Even though the Regional Army Commander in Dili assured the Special Rapporteur that he would not tolerate violence against women by the armed forces, the Special Rapporteur continued to receive allegations of human rights abuses in East Timor throughout the course of 1999 (A/54/660 and E/CN.4/1999/68/Add.3).

27. During the November 1999 joint mission, the Special Rapporteur on violence against women heard testimonies from rape survivors and eyewitnesses to human rights violations. She found evidence of continuing widespread violence against women in East Timor during the period under consideration. In addition to sexual slavery, sexual violence was also used as a strategy of intimidation, particularly during the period from January to July 1999. The violence

included documented cases of torture. Intimidation was particularly directed against female family members whose husbands had left the village. These cases of sexual slavery and sexual violence used as a means of intimidation were the result of the climate of impunity which had been prevailing (A/54/660).

28. In their conclusions, the Special Rapporteurs acknowledged that even though it was too early, on the basis of a short visit, to assess the full extent of the human rights violations and crimes that were perpetrated before and after the 30 August 1999 consultations, it was clear that they included murder, torture, sexual violence, forcible transfer of populations and other persecution and inhumane acts, including destruction of property. These were all committed on a scale that is widespread or systematic or both (A/54/660).

29. The International Commission of Inquiry on East Timor, in its report on its mission to East Timor and Indonesia in December 1999, concluded that because the men had fled to the mountains, the women were targeted for sexual assault in a cruel and systematic way. While in general, the militia refrained from killing women, they were subjected to humiliation and various forms of harassment that included stripping and sexual slavery. Women and children were also victims of forced displacement into exile (A/54/726).

30. In the report of the High Commissioner for Human Rights to the Commission on Human Rights at its fifty-sixth session on the situation of human rights in East Timor (E/CN.4/2000/27), it was reported that as of late February 2000, two cases of rape were under investigation of the more than 80 believed to have occurred during this period. The report reflected the importance of recruiting experienced sexual assault investigators. In that regard, it was also stated that the United Nations Transitional Administration in East Timor (UNTAET) had created a special unit within the civilian police to address both past and current cases of rape. The UNTAET district human rights officers had also been instructed to give particular attention to this issue, and were working with local NGOs to ensure that the obstacles to rape investigations were quickly overcome and that the perpetrators were identified and brought to justice.

31. In her periodic report to the General Assembly (A/54/396), the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), mentioned that deportation from the territory of cantons, which under cantonal legislation is mandatory, raised serious concerns for the safety of the women deported, as well as with respect to the legality of the decisions. The women, some of whom had been trafficked to Bosnia and Herzegovina, had in many cases been the victims of crimes such as illegal detention in slavery-like conditions, forced prostitution and assault, including sexual assault, and rape.

32. In a report to the Commission on Human Rights on the situation in Kosovo (E/CN.4/2000/10), the High Commissioner stated that 14 informants had spoken of confirmed or suspected rape and several cases of sexual assault. Considering the cultural stigma attached to sexual violence in Albanian culture, it was reasonable to assume that the number of incidents of this nature might be higher than reflected in public reports.

33. In some instances, women were reportedly raped in their houses when their villages were under siege. In other cases women were taken away and raped by Serb soldiers after attacks on

groups of IDPs. Cases of rape on the train to the border or at the railway station in Pristina were also reported. Allegedly, a woman was raped by a paramilitary soldier at the hospital in Gnjilane where she was being treated for injuries suffered in a grenade explosion. In several reported cases women were asked to hand over money and other valuables in order not to be sexually abused.

34. There were also recorded accounts of immoral and intimidating behaviour towards Albanian women by Serb military and police personnel. For example, women were ordered to undress during confiscation of valuables, addressed in sexual language, and sometimes touched and fondled in an intimidating manner.

35. In another report on the situation of human rights in Kosovo (E/CN.4/2000/7) the High Commissioner referred to the fact that accounts received by OHCHR staff in the former Yugoslav Republic of Macedonia, Albania and Montenegro (Federal Republic of Yugoslavia) provided substantial evidence of gross human rights violations committed in Kosovo, including summary executions, forcible displacements, rape, physical abuse, and the destruction of property and identity documents.

36. Refugees interviewed by OHCHR had experienced various forms of ill-treatment at the hands of the Serbian paramilitary and police, as well as Yugoslav Army soldiers. Forms of ill-treatment included beatings with fists and rifle butts, cruel treatment, rape and other forms of sexual assault, mutilation, shooting and threats of violence. Ill-treatment occurred mostly outside of detention facilities, in streets, homes, the forest, and on the road to the border. Refugees were also mistreated by Serb civilians.

37. Other organizations had received detailed accounts of rape and sexual assault of individuals and groups of women in Kosovo. The Organization for Security and Cooperation in Europe interviewed witnesses as well as victims of rape. In some instances, women were taken away from a group for short periods of time, raped, and then returned to the group. There were reports of women having been mutilated and killed after having been raped. A number of women confirmed that they attempted to commit suicide after having been raped. While there were confirmed reports of rape and sexual assault of women, there was no evidence to support allegations of the existence of rape camps.

38. On 30 June 1999, in Pristina, the High Commissioner met the Chairperson of the Centre for Protection of Women and Children, who said that the number of unreported cases of rape in Kosovo was very high. She also said that in Kosovo two different forms of rape were common: biological rape and gun-rape, and that both women and men were allegedly victims of rape before and during the war (E/CN.4/2000/10).

39. The report of the High Commissioner concluded that it was premature to assess whether the sexual assault and rape of women in Kosovo formed part of a deliberate strategy to harm the Kosovo Albanian population or were acts perpetrated in a general environment of lawlessness and disregard for human rights.

40. On 25 May 1999, the United Nations Population Fund (UNFPA) published a report on sexual violence based on interviews with Kosovar refugee women. The report indicated widespread sexual violence by Serbian forces against these women and raised serious concerns about the well-being of women still inside Kosovo.

41. The Special Rapporteur on the situation of human rights in Myanmar, referring to the displacement of populations, noted the particular vulnerability of women and children. The Special Rapporteur noted the serious psychological problems facing women and children affected by the crisis. Abuses against women, especially in the course of violent events, reportedly ranged from having seen their children or husband killed to being raped and losing their homes and means of subsistence. Interviews held in the course of a visit to a village revealed that many women had suffered such abuses. It should be mentioned that cultural inhibitions linked to subjects such as sex and the serious social implications of rape and assaults on women compound the problem of lack of outlets for expression and foment deep hatreds. Female-headed households were less able to become self-reliant and were therefore more in need of assistance. In some cases, they were assisted by other families, for example, in setting up shelters (E/CN.4/1999/35).

42. The Special Rapporteur also reported that in the ethnic areas of Myanmar, the policy of establishing absolute political and administrative control brought out the worst in the military, and resulted in killings, brutality, rape and other human rights violations which did not spare the old, women, children or the weak (A/54/440).

43. The Special Representative of the Secretary-General for Children and Armed Conflict stated that over the last decade, 2 million children had been killed in conflict situations, over 1 million had been made orphans, over 6 million had been seriously injured or permanently disabled and over 10 million had been left with grave psychological trauma. A large number of children, especially young women, had been made the targets of rape and other forms of sexual violence as a deliberate instrument of war.

44. The Special Representative stated that the situation of children in Rwanda presented an extraordinary challenge. Among the estimated 800,000 people massacred, 300,000 were children. Over 84 per cent of children had experienced death in their family. More than 95 per cent of children had directly witnessed violence, while almost 70 per cent had witnessed someone being killed and 31 per cent had witnessed rape and other forms of sexual violence (A/54/430).

45. With regard to the situation in Sierra Leone, the Special Representative estimated that that 60 per cent of the 4,000 children reportedly abducted in January 1999 were girls, the vast majority of whom were reported to have been sexually abused. Many of the children were suffering from serious psycho-social trauma.

46. In view of what the Special Representative witnessed in Sierra Leone, and drawing on previous commitments made to him during his visit there in May 1998, he had put forward a special agenda for action for the children of Sierra Leone. The 15-point agenda contained measures and initiatives aimed at ensuring the rehabilitation and welfare of children in Sierra Leone in the aftermath of the war, including sexually abused children. It was considered

that the extensive and systematic sexual abuse visited upon young girls was one of the most painful and traumatic legacies of the war. The victims' trauma was compounded by social stigma and reluctance to address the issue. Therefore, a special programme was needed to address the special needs of this group of victims, including their health needs; such a programme should also include a campaign of sensitization of local communities.

47. Under the Lomé Peace Agreement, the parties made a commitment to set up a special fund for war victims. There was an urgent need for the fund to be established, and it should give particular priority to the special needs of amputees, sexually abused children and women, and seriously traumatized children.

48. The Special Rapporteur on the situation of human rights in Somalia noted, inter alia, that rape and other sexual violence, which had been uncommon in Somalia before the war, had become a weapon of war for the militia and bandits, as well as in camps for displaced persons and returnees. Clan identity often led to measures resembling ethnic cleansing. Intentional attacks against the civilian population and civilian objects had become common practices (E/CN.4/1999/103).

49. The Special Rapporteur on the situation of human rights in the Sudan stated that the violations of human rights and humanitarian law by the parties to the conflict had had a number of tragic human consequences, such as forced displacements, killings, rape, and abduction of women and children for forced labour and slavery-like purposes (A/54/467).

50. The report of the Secretary-General on the abduction of children from northern Uganda noted that according to statistics provided by two rehabilitation centres in Gulu, by the first quarter of 1999, a total of 5,837 children had been reintegrated into their communities since the beginning of the conflict after receiving medical treatment, counselling and education. Estimates as to the number of missing children believed to be in the Lord's Resistance Army base camp in southern Sudan varied between 2,000 and 5,000. Many of the children had reportedly been killed either by their abductors or as a result of the conflicts they had been forced to take part in. The sexual exploitation of many of the abducted girls had reportedly led to the birth of approximately 200 babies (E/CN.4/2000/69).

51. The Special Rapporteur on religious intolerance noted that no religion was free from extremism and that the most common victims of the various types of extremism were women. Women were placed in an inferior position, either through discriminatory measures or, with increasing frequency, through violence in the form of assault, attempted murder, murder, abduction and, in many cases, rape. Violence against women appeared to be extremists' instrument of choice as a means of terrorizing whole communities through, inter alia, attacks on women's dignity and on the "honour" of the entire community (A/54/386).

III. STEPS TAKEN BY THE COMMISSION ON HUMAN RIGHTS

52. At its fifty-sixth session, in its resolutions on the rights of the child (2000/85) and violence against women (2000/45), the Commission addressed the specific issue of gender-related violence and crimes. In its resolution 2000/45, the Commission recalled the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the

International Criminal Court, which affirms that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence constitute, in defined circumstances, a crime against humanity and a war crime, and reiterated that acts of sexual violence in situations of armed conflict can constitute serious violations or grave breaches of international humanitarian law.

53. Also during its fifty-sixth session, the Commission voiced particular concern regarding violations of women's rights in specific countries, including Afghanistan, Myanmar, States of the former Yugoslavia and the Sudan, and adopted several resolutions with respect to the work of country and thematic rapporteurs.